

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SCOTT KEARNS,

Plaintiff,

v.

Case No. 8:19-cv-861-T-AEP

ANDREW M. SAUL,
Commissioner of Social Security,

Defendant.

_____ /

ORDER

This cause comes before the Court on Plaintiff's Petition for Attorney Fees (Doc. 22) and Amended Petition for Attorney Fees (Doc. 23).¹ By the amended motion, Plaintiff seeks attorney's fees in the amount of \$4,149.27 and costs in the amount of \$400 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. On September 21, 2020, this Court entered an Order reversing and remanding the case to the Commissioner for further administrative proceedings (Doc. 20). Thereafter, the Clerk entered judgment in favor of Plaintiff (Doc. 21). As the prevailing party, Plaintiff now requests an award of attorney's fees and costs. *See* 28 U.S.C. § 2412(a) & (d)(1)(A); Fed. R. Civ. P. 54(d)(1); *see* 28 U.S.C. § 1920; *cf. Shalala v. Schaefer*, 509 U.S. 292, 300-02 (1993) (concluding that a party who wins a sentence-four remand order under 42 U.S.C. § 405(g) is a prevailing party).

The Commissioner does not oppose the requested relief. After issuance of an order awarding EAJA fees, however, the United States Department of the Treasury will determine whether Plaintiff owes a debt to the government. If Plaintiff has no discernable federal debt,

¹ The initial petition indicated that defense counsel did not consent to the motion, while the amended petition indicates that defense counsel consents to the motion.

the government will accept Plaintiff's assignment of EAJA fees and pay the fees directly to Plaintiff's counsel. For the reasons set out in Plaintiff's motion, therefore, it is hereby

ORDERED:

1. Plaintiff's Petition for Attorney Fees (Doc. 22) is DENIED AS MOOT.
2. Plaintiff's Amended Petition for Attorney Fees (Doc. 23) is GRANTED.
3. Plaintiff is awarded fees in the amount of \$4,149.27. Unless the Department of Treasury determines that Plaintiff owes a federal debt, the government must pay the fees to Plaintiff's counsel in accordance with Plaintiff's assignment of fees (Doc. 23-2).
4. Plaintiff is awarded costs in the amount of \$400.

DONE AND ORDERED in Tampa, Florida, on this 22nd day of December, 2020.



ANTHONY E. PORCELLI
United States Magistrate Judge

cc: Counsel of Record